

Recent Revisions to Env-A 600, *Statewide Permit System*

Env-A 602.01 is a new rule, and it specifies an edition (July 1, 2003) of the Code of Federal Regulations for certain federal rules cited in Env-A 600. The impetus for this addition was that EPA adopted a change to one of its Title V rules and notified states with approved Title V programs that they must adopt this change as well. The rule in question, 40 CFR 70.6(c), is incorporated by reference in Env-A 609. To insure that EPA's compliance certification language change would be adopted by reference in our rules, and to help readers understand which federal rules are being referenced, we designated a specific edition of the Code, July 1, 2003.

A change suggested by Department staff is the amendment of Env-A 605.02 to require permit applicants to certify by affidavit that they have the right to operate on the property where the facility is or will be located. The rule formerly required applicants to submit to the Department copies of deeds, leases, or options to buy to show permissible use. Applicants found that these documents were often difficult to locate and very lengthy.

The changes to Env-A 609.04 are intended to clarify what an insignificant activity is. The amended rule expresses clearly how Department staff have always interpreted the rule.

A new definitions section, Env-A 610.03, has been added to Env-A 610 concerning general state permits. These definitions cover terms used in Env-A 610.04, where the source categories established to date are listed. Env-A 610.04 has also been amended to provide applicability criteria for each source category. The only other substantive changes to Env-A 610 are found at Env-A 610.08(b). These amendments specify the requirements for a registration package, referencing the registration forms described in recently adopted Env-A 1710, fees, if applicable, and proof of permissible use.

The last four Parts in the rule were transferred from Env-A 200. In Part 620, which was transferred from Env-A 204, the only substantive change is at Env-A 620.06(c)(2), which provides that the public notice for a general state permit renewal shall indicate where the public may review the draft permit and a list of sources currently operating under the existing permit. The former rule required the list of

sources to be included in the public notice, but the list of emergency generators is too long to include in an affordable newspaper notice. Instead, the Department will have the list available for review at its office and on its website, and the list will be mailed to anyone who requests it.

The next two Parts, Env-A 621 and 622, relate to permit procedures for temporary and state permits (621) and Title V permits (622). These parts were moved from Env-A 205 and 206, and the substantive additions or changes to these rules are as follows: The rule requires a permit applicant (other than a municipality) to provide 2 copies of the completed application to DES, the second of which DES will then provide to the municipality in which the facility is or will be located. In addition, notices of draft permits and permit hearings are now required to be published in a newspaper in the area where the facility is or will be located, in addition to a newspaper of general daily circulation, as has always been required. The rule also requires applicants to pay the costs of public notices, as required by RSA 125-C:12, IV and V. After DES prepares the public notice for a draft permit, the applicant now has the option of sending the notice to the newspapers or of having DES publish the notice. If the applicant publishes the notice, he must send proof of publication to DES. If DES publishes the notice, DES will send an invoice to the applicant for the costs of the publication, plus a \$15 administrative fee. The amendments change the requirement that DES issue a final permit decision within 15 days of the close of the public comment period to within 30 working days of the comment period close. In addition, the time provided to permit applicants to review public comments and submit a response to DES is changed from 10 days to 10 working days after the close of the public comment period.

The final Part, Env-A 623, relates to permit revocations and suspensions. It was moved from Env-A 209. The sections in Env-A 209 concerning enforcement and orders of abatement were allowed to expire, since they repeated language in RSA 125-C:16 or offered little guidance. No substantive changes were made to Env-A 623.